

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:

ERIC AMOS)	
)	Case No: 21-00976-JJG-13
VICTORIA MICHELLE AMOS)	
)	
)	Chapter 13
DEBTORS)	

**AGREED ENTRY RESOLVING CREDITOR'S MOTION FOR RELIEF FROM STAY AND
ABANDONMENT OF PROPERTY**

Come now the Creditor, WILIMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF MFRA TRUST 2014-2, by counsel, and the Debtors, ERIC AMOS and VICTORIA MICHELLE AMOS, in person, and by counsel, and agree and stipulate as follows:

1. Creditor is the holder of a certain promissory note dated March 17, 2000, a true and accurate copy of which is attached to Creditor's Motion for Relief of Stay as Exhibit B (the "Note"). The Note is secured by a Mortgage dated March 17, 2000, a true and accurate copy of which is attached to Creditor's Motion for Relief from Stay as Exhibit A (the "Mortgage") regarding certain real property located at 1205 N. Holmes Ave., Indianapolis, IN 46222 (the "Property").
2. Debtors assert an equitable interest in the Property as heir(s) to the original obligor on the Note and Mortgage.
3. Creditor filed a Motion for Relief from Stay and Abandonment in these proceedings on or about June 25, 2021 [Doc. #18] with respect to the Property.
4. Debtors filed their objection to Creditor's motion on or about July 9, 2021 [Doc. #19].
5. The Parties wish to resolve Creditor's motion and Debtors' objection thereto based on agreed upon terms.
6. Accordingly, the Parties agree that Creditor's motion shall be conditionally denied subject to the following terms:
 - a. Creditor shall be allowed to file a Proof of Claim against the Property for all amounts due under the Note and Mortgage secured by the Property;
 - b. Debtors agree that the Proof of Claim shall be against the Property and is not an attempt to collect a debt as to Debtors and, accordingly, Debtors waive any right to file a claim or action against Creditor, its agents, or assigns in response to Creditor's filed Proof of Claim, including but not limited to actions such as a false claim or under the Fair Debt Collection Practices Act, provided that the information in the claim is truthful and accurate;
 - c. Debtors agree to pay through the Chapter 13 Plan all amounts due under Creditor's Proof

of Claim, as the same may be amended or supplemented pursuant to the Bankruptcy Code and that are allowed per Debtors Chapter 13 Plan and the Bankruptcy Code;

- d. Debtors agree to make the regular ongoing post-petition payments due under the Note through the Chapter 13 Plan and via Trustee conduit;
- e. As required by Note and Mortgage, the Debtors shall keep in full force and effect the necessary insurance coverage to satisfy the redemption amount, in the event of a casualty loss and the Creditor shall remain named as loss payee until the redemption amount is paid in full;
- f. Nothing hereby shall be construed as a waiver of any rights or remedies of Creditor under the Note and Mortgage secured by the Property, all of which Creditor shall retain and shall survive the Debtors' bankruptcy proceedings;
- g. Debtors agree that they will attempt to assume or satisfy the Note upon completion of the Chapter 13 Plan, if not sooner; and
- h. Creditor shall not seek relief from the automatic stay or take any adverse action against the Property for as long as Debtors are current on all payments due under the Note and Mortgage.

7. The Creditor shall release any lien it may have on the security, within a reasonable time, after receipt of payment in full.

WHEREFORE, the Parties pray the Court approve their Agreed Entry, and for all other proper relief.

BLEECKER BRODEY & ANDREWS

By: /s/ Christopher J. Neeson

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CHAPTER 13 TRUSTEE

By: /s/ Brian Brothers

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